

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL A. CLYBURN,)	
Personal Representative of the Estate of)	
MARY F. CLYBURN, deceased,)	
)	Case No.: 4: 12-CV-1215-JAR
Plaintiff,)	
)	
v.)	
)	
THI OF MISSOURI AT GRAVOIS, L.L.C., et al.,)	
)	
Defendants.)	

JOINT MOTION TO SCHEDULE SETTLEMENT APPROVAL HEARING

COMES NOW plaintiff Michael A. Clyburn and Defendant THI of Missouri at Gravois, LLC hereby jointly request that the Court set this matter for a settlement approval hearing on November 14, 2013 at 2:00 p.m. in Courtroom 12 North of the Thomas F. Eagleton U.S. Courthouse located at 111 South 10th Street, St. Louis, MO 63102. In support of this request, the parties start as follows:

1. This is a wrongful death lawsuit based upon alleged nursing home negligence.
2. The parties have reached a settlement in this matter.
3. Pursuant to the Missouri Wrongful Statute, the parties hereby request that a hearing be set for the Court to hear testimony regarding the settlement reached in this matter and for the Court to consider and for the parties to request the approval of the settlement reached in this matter as well as for the Court to consider and for the parties to request the approval allocation of the settlement proceeds.
4. Concurrently, with this request, the parties are also submitting a “Motion for Approval of Wrongful Death Settlement and Allocation of Settlement Proceeds” which is

incorporated herein and sets forth additional detail on the nature of the settlement reached in this matter.

WHEREFORE, the parties jointly pray that this Court issue its order setting a settlement approval hearing on November 14, 2013 at 2:00 p.m. in Courtroom 12 North of the Thomas F. Eagleton U.S. Courthouse located at 111 South 10th Street, St. Louis, MO 63102 and for any other such relief the Court deems just and proper.

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THI of Missouri at Gravois, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of October, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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